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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

8 GENE ALLEN,)
9 Petitioner,) 3:03-cv-0414-ECR-VPC
10 vs.) **ORDER**
11 STATE OF NEVADA, *et al.*,)
12 Respondents.)
13 _____/

14 This habeas corpus action was dismissed, and judgment entered, more than five years
15 ago, on October 16, 2003 (docket #12 and #13). The Ninth Circuit Court of Appeals has dismissed
16 petitioner's appeal as "insubstantial" and not "warrant[ing] further review" (docket #32).

17 Petitioner, has now filed a Motion to Vacate a Judgment Denying H/C Relief (docket
18 #34). Petitioner's motion is untimely and provides no sufficient basis to support the requested
19 relief.

20 **IT IS THEREFORE ORDERED** that petitioner's motion (docket #34) is **DENIED**.

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22 Dated this 14th day of June, 2010.

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25 UNITED STATES DISTRICT JUDGE
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